be indulged as to the common law. *Chesapeake and N. R. Co.* v. *Venable*, 111 Ky. 41, 63 S. W. 35; *Dittman* v. *Distilling Co. of America*, 64 N. J. Eq. 537, 54 Atl. 570; *Peter Adams Paper Co.* v. *Casard*, 206 Pa. St. 179, 55 Atl. 949. This first view, if we consider that a state court has no power to take judicial notice of foreign law, is illogical, but it is commended by its simplicity of application. The weight of authority, however, supported by logic, is in favor of a second view to the effect that there is no presumption of identity or similarity of foreign and domestic statute law, but that, in absence of pleading and proof to the contrary, the presumption is that the common law prevails in the state where the cause of action arose, even though the *lex fori* is statutory. *Kelley* v. *Kelley*, 161 Mass. 111, 36 N. E. 837; *In re Hamilton*, 76 Hun (N. Y.), 200, 27 N. Y. Suppl. 813; *Miller* v. *Wilson*, 146 Ill. 523, 34 N. E. 1111; *Louisville and Nashville Ry. Co.* v. *Williams*, 113 Ala. 402, 21 So. 938. It is indeed a questionable doctrine to apply *in toto* the statute law of the forum, as was done in the principal case, to a cause of action that was admittedly governed by foreign law. It would be better to dismiss the action on the court's own motion for insufficiency of facts.

EXECUTORS AND ADMINISTRATORS — RIGHTS, POWERS, AND DUTIES — ASSIGNMENT TO RESIDUARY LEGATEE OF RIGHT TO ENFORCE ESTATE'S CLAIM TO CONTRIBUTION. — An executor paid a judgment against his decedent and the defendant as co-sureties on a note. Having paid all debts and fully administered the estate, he assigned the judgment and execution to the plaintiff who was residuary legatee. A statute required sales of personalty by an executor to be public unless by order of court. (1914 PARK'S GA. CODE, §§ 4022–4025.) The plaintiff now sought to enforce the estate's right of contribution from the defendant. *Held*, that he could not maintain this action. *Wilson* v. *Brice*, 99 S. E. 385 (Ga.).

The personal representative is the proper party to enforce claims due the estate. *Buchanan* v. *Buchanan*, 75 N. J. Eq. 274, 71 Atl. 745; *Flynn* v. *Flynn*, 183 Mass. 365, 67 N. E. 314. However, at common law he might assign a chose in action to any one and the assignee might sue thereon. *Harper* v. *Butler*, 2 Pet. (U. S.) 239; *Petersen* v. *Chemical Bank*, 32 N. Y. 21. Many states have statutes similar to that in the principal case. See 2 WOERNER, AM. LAW OF ADM. 331. Some expressly include choses in action. *Wickersham* v. *Johnston*, 104 Cal. 407, 38 Pac. 89; *Winningham* v. *Holloway*, 51 Ark. 385, 11 S. W. 579. Unless so included, however, the tendency is to construe such statutes as not infringing upon the common-law right of the executor to alien choses in action. *Weider* v. *Osborn*, 20 Ore. 307; *Chapman* v. *Charleston*, 30 S. C. 549. Under such a statute, a legatee was permitted to sue on a note assigned to him as his share of the estate by the executor without an order of court. *Weider* v. *Osborn*, 20 Ore. 307; *Clark* v. *Moses*, 50 Ala. 326. The residuary legatee may take a chose in action if he wishes. *Reed's Estate*, 82 Pa. St. 428. Assent by the executor to a legacy vests title in the legatee so as to enable him to maintain an action thereon. *Peoples' National Bank* v. *Cleveland*, 117 Ga. 908, 44 S. E. 20. Therefore it seems clear that the plaintiff should have been allowed to maintain his action in the principal case.

FRAUDULENT CONVEYANCES — HUSBAND AND WIFE — WIFE'S SEPARATE SUPPORT AS CONSIDERATION. — An insolvent wrongfully left his wife and neglected to afford her proper support. In consideration of her agreement to live separately, and of her right to support, he conveyed to her some real estate. Within four months thereafter a petition of bankruptcy was filed against him, and the trustee in bankruptcy seeks to set aside the conveyance as being in fraud of creditors. *Held*, that the conveyance was supported on good consideration. *Baldwin* v. *Kingston*, 44 Am. B. R. 17 (1919).

For a discussion of principles involved, see NOTES, *supra*, p. 303.